IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2312 OF 2003
IN
INCOME TAX APPEAL LODGING NO.752 OF 2003

The Commissioner of Income-tax
Central III, Mumbai .. Appellant.

V/s.

ABG Heavy Ind. Limited .. Respondent.

Mrs.P.P. Bhosale for the Appellant.

Mr.P.R. Toprani for the respondent.

CORAM : DR.S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.

DATED : 12TH MARCH, 2007.

P.C. :

1. Heared learned counsel for the appellant and the learned counsel for the respondent.

2. By this notice of motion, the appellant is seeking condonation of 97 days delay in filing the appeal.

3. For the reasons stated in the affidavit in support of notice of motion, sufficient cause is made out for condonation of delay. There is no case of any inaction, negligence or want of bonafide on the part of the appellant.

4. The notice of motion is made absolute in terms of prayer clause (a).

5. Place the appeal on board for admission on 3rd April, 2007.

(DR.S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)